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## STATUTORY INSTRUMENTS

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**2012 No. 1158**

### **EDUCATION, ENGLAND**

#### **The Sixth Form College Corporations (Publication of Proposals) (England) Regulations 2012**

<i>Made</i>	- - - -	<i>30th April 2012</i>
<i>Laid before Parliament</i>		<i>1st May 2012</i>
<i>Coming into force</i>	- -	<i>22nd May 2012</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 33C(3), 33N(2) and (3) and 89(4) of the Further and Higher Education Act 1992(a):

#### **Citation, commencement, interpretation and application**

**1.**—(1) These Regulations may be cited as the Sixth Form College Corporations (Publication of Proposals)(England) Regulations 2012 and come into force on 22nd May 2012.

(2) In these Regulations—

“the Act” means the Further and Higher Education Act 1992;

“student” includes a pupil(b);

“the corporation” means the sixth form college corporation; and

“the proposer” means the person or body proposing to establish a sixth form college corporation.

(3) These Regulations apply in relation to England.

#### **Revocation and savings**

**2.**—(1) The Education (Publication of Proposals)(Sixth Form College Corporations)(England) Regulations 2010(c) are revoked subject to paragraph (2).

(2) The regulations referred to in paragraph (1) shall continue to apply where before 1st April 2012 the responsible local authority has made a proposal to which section 33N of the Act applies.

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(a) 1992 c.13. Sections 33C and 33N of the Further and Higher Education Act 1992 (“the Act”) were inserted by paragraphs 1 and 3 of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) (c.22) and were amended by paragraphs 1, 11 and 20 of Schedule 12 to the Education Act 2011 (c.21). For the definition of “prescribed” see section 579(1) of the Education Act 1996 (c.56). For the definition of “regulations” see section 61 of the Act.

(b) For the definition of “pupil” see section 3(1) of the Education Act 1996 (c.56).

(c) S.I. 2010/2609.

### **Publication of proposals to establish sixth form college corporations and period for considering representations**

3.—(1) For the purposes of sections 33C(3)(a) of the Act, the prescribed time and manner for the publication of the proposal to establish a sixth form college corporation is as set out in paragraphs (3), (4) and (5).

(2) For the purposes of section 33C(3)(b) of the Act, the prescribed information to be contained in the proposal is set out in paragraph 1 of the Schedule.

(3) A proposal to establish a sixth form college corporation must be published at least four months before the date which is specified in the proposal for the establishment of the corporation.

(4) The proposer must publish the proposal—

- (a) in at least one newspaper circulating in the area served, or to be served, by the corporation to which the proposal relates; and
- (b) in at least one national newspaper.

(5) The proposer must send a copy of the proposal to—

- (a) the governing body of any institution within the further education sector<sup>(a)</sup> within the local authority area in which the corporation is proposed to be situated;
- (b) the governing body or proprietor of any maintained school<sup>(b)</sup> or Academy<sup>(c)</sup> which provides full-time education suitable to the requirements of persons over compulsory school age within the local authority area in which the corporation is proposed to be situated;
- (c) the local authority in whose area the corporation is proposed to be situated;
- (d) the Chief Executive of Skills Funding<sup>(d)</sup>;
- (e) the Member of Parliament in whose constituency the corporation is situated or is proposed to be situated;
- (f) any other Member of Parliament whose constituents it appears to the proposer are likely to be affected by the proposal;
- (g) the Secretary of State; and
- (h) any other person who appears to the proposer to have an interest.

(6) For the purposes of section 33C(3)(c) of the Act, the prescribed period during which any person may make representations about the proposal is a period of one month beginning on the day of publication described in paragraph (3).

### **Publication of and consultation on proposals for dissolution of sixth form college corporations**

4.—(1) For the purposes of section 33N(2) of the Act, the corporation must publish the proposal in accordance with paragraphs (2) and (3).

(2) The corporation must publish details of the proposal at least four months before the date which is specified in the proposal for the dissolution of the sixth form college corporation.

(3) The corporation must publish details of the proposal containing the information set out in paragraph 2 of the Schedule—

- (a) in at least one newspaper circulating in the area served by the corporation to which the proposal relate; and
- (b) in at least one national newspaper.

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(a) For the definition of “institution within the further education sector” see section 91(3) of the Act 2002.

(b) For the definition of an “maintained school” see section 20(7) of the School Standards and Framework Act 1998 (c. 31).

(c) For the definition of an “Academy” see section 1 of the Academies Act 2010 c.32 as amended by sections 52 and 53 of the Education Act 2011 (c. 21).

(d) The Chief Executive of Skills Funding was established by section 81 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 21).

(4) For the purposes of section 33N(3) of the Act the corporation must consult on the proposal in accordance with paragraphs (5) and (6).

(5) The corporation must send a copy of the proposal to—

- (a) the governing body or proprietor of any institution within the further education sector within the local authority area in which the corporation is situated;
- (b) any maintained school or Academy which provides full-time education suitable to the requirements of persons over compulsory school age within the local authority area in which the corporation is situated;
- (c) the local authority in whose area the corporation is situated;
- (d) the Chief Executive of Skills Funding;
- (e) the Member of Parliament in whose constituency the corporation is situated;
- (f) any other Member of Parliament whose constituents it appears to the corporation are likely to be affected by the proposal;
- (g) the Secretary of State; and
- (h) any other person who appears to the corporation to have an interest.

(6) The corporation must—

- (a) provide for a period of at least one month beginning on the day of publication described in paragraph (2) for representations to be made on the proposal;
- (b) take account of the views expressed in any representations received under paragraph (6)(a); and
- (c) publish a summary of the consultation described in paragraphs (6)(a) and (b) within two months beginning on the date after the end of the consultation period described in paragraph (a), and make the summary available free of charge to any person who requests it.

30th April 2012

*Jonathan Hill*  
Parliamentary Under Secretary of State  
Department for Education

## SCHEDULE

Regulations 3 and 4

### **Information to be contained in proposals to establish sixth form college corporations**

**1.** The information which the proposer must publish is as follows—

- (a) the proposed name of the sixth form college corporation which is to conduct the institution and the proposed name of the institution (if different);
- (b) the address or the proposed address of the institution concerned;
- (c) the date on which it is proposed that the sixth form college corporation is to be established and the date on which it is proposed that the corporation should conduct the institution;
- (d) on the date which it is proposed the sixth form college corporation will be established, the percentage of its total enrolment number who will be over compulsory school age but under 19;
- (e) the reason for proposing the establishment of a body corporate as a sixth form college corporation;

- (f) a general description of the education to be provided at the institution when it is conducted by a sixth form college corporation, including the age range of the students; and
- (g) the number of full-time students, the number of part-time students and the total number of students which are forecast for such time as the institution is fully operational.

### **Information to be contained in proposals to dissolve sixth form college corporations**

2. The information which the corporation must publish is as follows—

- (a) the name of the sixth form college corporation and the name of the institution concerned (if different);
- (b) the address of the corporation;
- (c) a general description of the education provided at the corporation;
- (d) the number of full-time students, the number of part-time students and the total number of students at the corporation;
- (e) the reason for proposing the dissolution of the corporation;
- (f) the date proposed for the dissolution of the corporation;
- (g) the educational provision to be made for those students who have not completed their courses on that date; and
- (h) the proposed arrangements for the transfer of the property, rights and liabilities of the corporation.

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 33C of the Further and Higher Education Act 1992 (“the Act”) gives the Secretary of State power to establish, by order, a sixth form college corporation. Before the Secretary of State may make such an order, the proposer must publish proposals in accordance with requirements set out in section 33C(3). The proposer must also consider any representations about the proposal within the prescribed period.

Section 33N of the Act provides that where a sixth form college corporation proposes to dissolve they must publish details of the proposal, and such other information as may be prescribed, in accordance with regulations. They must also consult on the proposal, and take account of the views of those consulted, in accordance with regulations.

These Regulations (which apply in relation to England) prescribe the time and manner of publication and the content of proposals made by the proposer for the establishment of sixth form college corporations, for the purposes of section 33C(3). They also prescribe the time for considering representations on the proposal.

The Regulations also prescribe the details of what a sixth form college corporation must include in proposals for dissolving the corporation under section 33N(2) and makes provision for the consultation on the proposal the corporation must carry out under section 33N(3).

Regulation 3 provides a proposal to establish a sixth form college corporation must be published at least four months before the date which is specified in the proposal for the establishment of the corporation. It also provides who a copy of the proposal should be sent to and for a period of at least one month beginning on the day of publication for representations to be made on the proposal.

Regulation 4 provides the corporation must publish the proposal at least four months before the date which is specified in the proposal for the dissolution of the sixth form college corporation. It also provides who a copy of the proposal should be sent to and for a period of at least one month beginning on the day of publication for representations to be made on the proposal. This

regulation also provides for the publication of a summary of the consultation within one month of the consultation, and for it to be made available free of charge to any person who requests it.

Paragraph 1 of the Schedule sets out the information which should be included in any proposal to establish a sixth form college corporation.

Paragraph 2 of the Schedule sets out the information which should be included in any proposal to dissolve the corporation.

An impact assessment has not been produced for this instrument as it has no impact on businesses or civil society organisations. The instrument has a minimal impact on the public sector.

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